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To: Examiner: A. K. Robinson-Boyce From: Alexander J. Burke

Fax: 571-273-8300 Pages: 49

Phone: 571-272-5743 Date: March 24, 2006

Serial No. 10/051,664
Re: Art Unit: 3623

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Attached is the following: Appeal Brief 48 pp.

For Application No.: 10/051,664

Filing Date: January 17, 2002

First Named Inventor: S. I. Brandt et al.

Art Unit: 3623

Attorney Docket: 2001P16949US01

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MAR 24 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applicant : S. I. Brand et al.

Serial No. : 10/051,664

Filed : January 17, 2002

For : A SYSTEM FOR PROCESSING HEALTHCARE RELATED EVENT
INFORMATION FOR USE IN SCHEDULING PERFORMANCE OF
TASKS

Examiner : A.K. Robinson-Boyce

Art Unit : 3623

APPEAL BRIEF

May It Please The Honorable Board:

Appellants appeal the Final Rejection, dated October 31, 2005, of Claims 1 - 29 of the above-identified application. The fee of five hundred dollars (\$500.00) for filing this Brief and any associated extension fee is to be charged to Deposit Account No. 19-2179. Enclosed is a single copy of this Brief.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account.

Appellants do not request an oral hearing.

Serial No.: 10/051,664

01P16949US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Before the Board of Patent Appeals and Interferences****RECEIVED
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01P16949US01

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 10/051,664 is the Assignee of record:

Siemens Medical Solutions Health Services Corporation
51 Valley Stream Parkway
Malvern, PA 19355-1406

II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 10/051,664.

III. STATUS OF THE CLAIMS

Claims 1 - 29 are rejected and the rejection of claims 1 - 29 are appealed.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix L.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 describes in a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 22-25). At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a sequence of tasks to be performed to support healthcare delivery to the patient (page 6, lines 12-14). A message identifying occurrence of the event is received (Fig 4, 303). A particular sequence of tasks to be performed, in response to receiving the message identifying occurrence of the event is determined by using the repository (page 7, lines 23-25). Execution of performance of the particular sequence of tasks by at least one individual without scheduling the performance and associated intervening scheduling time delay in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the

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task sequence are satisfied and the tasks of the task sequence are ready for performance by the at least one individual is initiated (page 8, lines 19-28).

Dependent claim 2 includes the features of independent claim 1 along with the additional feature that in response to examining predetermined information and the occurrence of the identified event, at least one of the particular tasks is substituted for a task of an existing task sequence being performed (page 2, lines 27-30).

Dependent claim 3 includes the features of independent claim 1 along with the additional feature that the message includes an event identifier identifying the event and is generated by a second process (page 6, lines 16-18). The second process comprises a second set of tasks and includes the activity of also receiving an identifier identifying a particular instance of the first process (page 7, lines 4-7).

Dependent claim 4 includes the features of independent claim 1 and dependent claim 3 along with the additional feature that the particular instance of the first process comprises a particular use of the process for a specific patient (page 6, lines 31-page 7, line 7).

Dependent claim 5 includes the features of independent claim 1 along with the additional feature that a plurality of received messages is filtered to identify the message identifying occurrence of an event potentially affecting healthcare delivered to a patient. Other messages immaterial to the healthcare delivered to the patient are excluded (page 5, lines 30-34).

Dependent claim 6 includes the features of independent claim 1 along with the additional feature that the event is associated in a repository with a process instance identifier identifying an instance of a process comprising the sequence of tasks (page 11, lines 5-10).

Dependent claim 7 includes the features of independent claim 1 along with the additional feature that the message includes an event identifier identifying the event and a process identifier identifying a target process to be replaced by a predetermined process comprising the particular tasks (page 11, lines 10-17).

Dependent claim 8 includes the features of independent claim 1 and dependent claim 7 along with the additional feature of a database containing records indicating active processes and process instances is searched to identify active process instances of the target process to be replaced (page 12, lines 16-22).

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Dependent claim 9 includes the features of independent claim 1 along with the additional feature that the event comprises at least one of, (a) an event resulting from action by healthcare personnel, (b) an event generated by an operating process, (c) an event generated by patient monitoring equipment and (d) an event generated by a medical device (page 4, lines 6-12). The step of initiating execution of performance of the particular sequence of tasks without scheduling the performance and associated intervening scheduling time delay comprises initiating execution of performance of the particular sequence of tasks without scheduling performance of the particular sequence of tasks to occur at a particular time (page 8, lines 26-28).

Dependent claim 10 includes the features of independent claim 1 along with the additional feature that information identifying a particular individual task of a task sequence being performed is received. The activity of adapting the task sequence being performed by initiating continuation of the task sequence being performed from the identified particular individual task in response to occurrence of the event is included (page 5, lines 27-30).

Independent claim 11 recites in a system for initiating performance of a process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 22-25). At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a process comprising a sequence of tasks to be performed to support healthcare delivery to the patient (page 6, lines 12-19). At least one message identifying occurrence of the event and at least one parameter associated with the event is received (FIG 5, 403). A determination is made by using the repository whether the identified event is associated with a particular process of a plurality of predetermined processes (FIG 5, 409). The parameter is provided to the particular process in response to the determination the identified event is associated with the particular process (FIG 5, 411). Execution of performance of the particular process without scheduling the performance and associated intervening scheduling time delay is initiated in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied and the tasks of the task sequence are ready for performance by the at least one individual (page 8, lines 24-28).

Dependent claim 12 includes the features of independent claim 11 along with the additional feature that the associated parameter is for use by multiple different process task

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sequences and is stored at a location available for access by the multiple different process task sequences (page 2, lines 31 – page 3, line 1).

Dependent claim 13 includes the features of independent claim 11 along with the additional feature that the associated parameter is verified to be compatible with predetermined value criteria as a pre-condition to providing the parameter to the predetermined process (page 7, lines 28-30).

Dependent claim 15 includes the features of independent claim 11 along with the additional feature that initiating performance of another process is replaced with the initiating performance of the identified process (page 8, lines 10-12).

Dependent claim 17 includes the features of independent claim 11 and dependent claim 16 along with the additional feature that a database containing records indicating active processes and process instances is searched to identify active process instances of the target process to be replaced (page 2, lines 27-30).

Dependent claim 19 includes the features of independent claim 11 along with the additional feature that the event is associated in a repository with a process instance identifier identifying an instance of the process comprising the sequence of tasks (page 14, lines 16-19).

Independent claim 20 recites in a system supporting initiating performance of a plurality of processes comprising different sets of tasks to be performed by at least one individual, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 22-25). At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a process instance identifier identifying an instance of a process comprising a sequence of tasks to be performed to support healthcare delivery to a patient (page 6, lines 12-14). At least one message identifying occurrence of the event is received during the first process and a parameter associated with the event is identified, in response to occurrence of an event in a first process (FIG 4, 303). The parameter associated with the event is acquired and the parameter is provided to an instance of a second process identified using the repository (FIG 4, 310). The instance of the second process is adapted by initiating execution of performance of a particular set of tasks without scheduling the performance and associated intervening scheduling time delay in response to receiving the at least one message (FIG 4, 315).

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Dependent claim 21 includes the features of independent claim 20 along with the additional feature of an identifier identifying a particular individual task in the second process is received (FIG 4, 303). The adapting activity comprises initiating processing of the second process from the particular individual task in response to receiving the at least one message identifying occurrence of the event and determination the parameter is within predetermined acceptability criteria (page 11, lines 10-13).

Dependent claim 23 includes the features of independent claim 20 along with the additional feature that data is shared between the first and second process. At least one of (a) an event identifier identifying the event, (b) a process identifier identifying the first process and (c) an identifier identifying a particular instance of the first process, is shared (page 7, lines 17-22).

Independent claim 26 recites a system for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 19-20). The system is for use in initiating performance of a first process comprising a set of tasks to be performed by at least one individual to support healthcare delivery (page 2, lines 22-26). At least one repository associates at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to the patient (page 6, lines 15-19). A communication interface receives a message identifying occurrence of the event (FIG 4, 303). An event analyzer uses the at least one repository and applies predetermined rules to interpret the identified event to determine a particular sequence of tasks to be performed in response to receiving the message identifying occurrence of the identified event (FIG 4, 308). A processor initiates execution of performance of the particular tasks by at least one individual without scheduling the performance and associated intervening scheduling time delay in response to the occurrence of the identified event and determination pre-conditions associated with the task sequence are satisfied and the tasks of the task sequence are ready for performance by the at least one individual (page 10, lines 9-11).

Dependent claim 27 includes the features of independent claim 26 along with the additional feature that the at least one repository associates the at least one event with a process instance identifier identifying an instance of a process comprising the sequence of tasks (page 7, lines 17-22).

Independent claim 28 describes in a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a

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patient (page 2, lines 22 – 25). At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a sequence of tasks to be performed to support healthcare delivery to the patient (page 6, lines 12 – 14). A message identifying occurrence of the event is received (Fig. 4, 303). A particular sequence of tasks to be performed is determined by using the repository, in response to receiving the message identifying occurrence of the event (page 7, lines 23 – 25). Execution of performance of the particular sequence of tasks is initiated by at least one individual without scheduling the performance and associated intervening scheduling time delay in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied (page 8, lines 27 – 30). In response to examining predetermined information and the occurrence of the identified event, at least one of the particular tasks is substituted for a task of another task sequence being performed (page 2, lines 27 – 30).

Independent claim 29 describes, in a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient (page 2, lines 22 – 25). At least one event potentially affecting healthcare delivered to a patient is associated in a repository with a sequence of tasks to be performed to support healthcare delivery to the patient and with a process instance identifier identifying an instance of a process comprising the sequence of tasks (page 6, lines 12 – 14 and page 11, lines 5 – 10). A message identifying occurrence of said event is received (Fig. 4, 303) and a particular sequence of tasks to be performed is determined by using the repository in response to receiving the message identifying occurrence of the event (page 7, lines 23 – 25). Execution of performance of the particular sequence of tasks is initiated by at least one individual without scheduling the performance and associated intervening scheduling time delay in response to receiving the message identifying occurrence of the event and determination pre-conditions associated with the task sequence are satisfied (page 2, lines 27 – 30).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 3, 6, 9-13, 18 – 23 and 25 – 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss et al. (U.S. Patent 5,692,125).

Claims 4, 7, 8, 15-17, 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss et al. (U.S. Patent 5,692,125) as applied to claim 1 above, and further in view of Judge et al. (U.S. Patent 6,401,138).

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Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schloss et al. (U.S. Patent 5,692,125) as applied to claim 1 above, and further in view of Wright et al. (U.S. Patent 6,004,276).

VII. ARGUMENT

Schloss when taken alone or in any combination with Judge and/or Wright do not make the present claimed invention unpatentable. Thus, reversal of the Final Rejection (hereinafter termed "rejection") of claims 1-29 under 35 U.S.C. § 103(a) is respectfully requested.

Overview of the Cited References

Schloss recites in a scheduling system, events and/or groups of events are checked at a scheduling time to insure that certain fixed conditions associated with the event(s) are satisfied. The events are also checked at one or more times, between scheduling time and a performance time (when the event(s) are to be performed), called "prepare to perform time(s)." At the prepare to perform time(s), certain dynamic conditions and/or data associated with the events are checked to determine whether the dynamic conditions are satisfied. If the dynamic conditions are satisfied, the event(s) are confirmed for performance. If one or more of the dynamic conditions are not satisfied, the event(s) are modified. Events can be modified by canceling, altering or postponing. When an event(s) is modified, a notification can be sent out. Further, a modification of an event(s) can cause modifications to one or more subsequent events in the event group (propagation.) Templates are event groups with some omitted information that is provided by a user at scheduling time. Templates are used to facilitate the scheduling of common events and/or event groups (see Abstract).

Judge recites in a medical information system, a facility is provided so that different application programs can share information about their current state, so that a user of these applications can move more efficiently among them. This facility includes a patient context interface (PCI) that each application can access by means of an application programming interface (API). This API provides mechanisms by which applications can register their identity and their interest in certain types of data and events. The PCI stores data received from applications for sharing with other applications, and the PCI notifies certain applications of events received from other applications (see Abstract).

Wright recites a clinical information reporting system for use with an electronic database for a health care facility, the electronic database being a rotational and modular database for the provision of a scalable and extensible configuration preferably consisting of a workstation as the base configuration and being configurable for use in small and medium

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network situations and being particularly adapted for the receipt, manipulation, modification and generation of cardiology reports such as resting ECG records and stress ECG records (see Abstract).

Rejection of Claims 1, 2, 3, 6, 9-13, 18-23 and 25-28 under 35 U.S.C. 103(a)
over Schloss (U.S. Patent 5,692,125)

Reversal of the rejection of claims 1, 2, 3, 6, 9-13, 19-23 and 26-28 under 35 U.S.C. 103(a) as being unpatentable in view of U.S. Patent 5,692,125 issued to Schloss is respectfully requested because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claims 1, 2, 3, 6, 9-13, 18-23 and 25-28 are made unpatentable by Schloss.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

CLAIMS 1, 9

Claim 1 describes a method "for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient" performed "in a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery". The claimed system describes "initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual". These features are not shown (or suggested) in Schloss.

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Specifically, the claimed arrangement supports "initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied". The claimed arrangement initiates "execution of performance" of a "sequence of tasks" **"without scheduling said performance and associated intervening scheduling time delay"**. Thus, the present claimed invention is **fundamentally different** to the Schloss system. Contrary to the present claimed invention, the Schloss system **schedules tasks to be performed at a future time**. This is wholly unlike the present claimed invention "performance of said particular sequence of tasks" is initiated **"without scheduling said performance"**.

The present claimed invention initiates "execution of performance" of a "sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay". This is done "in response to receiving" a "message identifying occurrence" of an "event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual". In contrast, Schloss discloses "a system and method that schedules one or more events or event groups subject to conditions" (Schloss column 2 lines 28-32). This is in direct contrast with the claimed system which does NOT schedule tasks for performance at a future time at all. Rather the claimed system initiates "execution of performance" of a "sequence of tasks by at least one individual **without scheduling**" performance at a future time and without the "associated intervening scheduling time delay" that is typically found when scheduling an event in the manner performed by Schloss. In Schloss, following scheduling of a task "there are dynamic conditions that must be checked (at a prepare to perform time 252, 258) and honored before performing event 1 at the performance time 256" (column 4 lines 41-43). Thus, if the dynamic conditions are satisfied, the event is **confirmed** for performance. However, these events are **not actually performed** at this point. Rather, they are just scheduled to be performed. The claimed arrangement is not shown or suggested in Schloss which teaches a system fundamentally different to that of the claimed arrangement. The present claimed system resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time" that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (see Application page 5 lines 19-23).

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Further, Schloss in column 11, lines 29-37 describes a schedule time for linked events and discusses a wait interval of zero (0) between the first and following events. However, the first event must still be scheduled. The present invention, on the other hand, as described above, initiates "execution of performance" of a "particular sequence of tasks without scheduling said performance and associated intervening scheduling time delay". The Schloss system schedules tasks to be performed at a future time whereas the claimed arrangement actually "initiat[es] execution of performance of said particular sequence of tasks". This is wholly unlike and in direct contrast to the Schloss system, because the claimed system does NOT schedule tasks to be performed at a future time as in Schloss. Also, the Rejection on page 4 erroneously concludes, in view of the disclosure in column 2, lines 35 - 40 of Schloss, that "during the time when dynamic conditions for events are being checked when preparing for performance time, and those events do not have a time delay, the events would therefore obviously be performed without a time delay". Applicant respectfully disagrees. Rather, the events referred to in Schloss having no time delays are events within a linked event chain, and are not the initiation of the first of the sequence of events, as in the present claimed invention. Thus, Schloss neither discloses nor suggests initiating "execution of performance" of a "sequence of tasks without scheduling said performance and associated intervening scheduling time delay" as in the present invention.

The Examiner on page 4 line 7 recognizes that Schloss does not disclose "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay". However, the Examiner erroneously states that such a feature would be obvious relying on Schloss column 11 lines 29-37 as indicating Schloss teaches scheduling of tasks with zero time delay. Contrary to the Rejection statement, Schloss does NOT teach scheduling of tasks with zero time delay. All tasks in Schloss relied on in the Rejection are scheduled for future performance. Schloss merely discusses allowing a "linked event", i.e., a task related to a "first event" (a first task) to be scheduled for concurrent performance with the first task and to be scheduled for performance with zero relative delay to the first task. All tasks in Schloss are scheduled for future performance and in addition the act of scheduling is inherently a further "intervening scheduling time" delaying operation. Schloss teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling".

The tasks in Schloss are scheduled for future performance as indicated in column 10 line 63 to column 11 line 2 and Figure 9 "When an event group 260 is scheduled, a date 256 is set for each event 210 in the group. Depending upon the implementation, the date 256 used is supplied by a user through the calendar software application". The "first events

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in the group" may have "linked events" (related events) scheduled as indicated in Figure 10 (Column 11 lines 9-13, 25-28). Specifically, a "wait interval" of the "first event 210 is checked". If the "wait interval is zero" the events "will be scheduled on the same date" as the "first event" e.g., in an event group representing a "30,000 mile service for automobile type xxx", there might be a preceding event saying "'Drain Oil" followed by an event with no time delay saying "Change Oil Filter"". Consequently, Schloss merely teaches allowing a "linked event", i.e., a task related to a "first event" (a first task) to be concurrently initiated with the first task and to be scheduled with zero relative delay to the first task. Consequently, contrary to the Rejection statement on page 4 and elsewhere, tasks in Schloss relied on in the Rejection are scheduled for future performance and Schloss teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling". The claimed arrangement is fundamentally different to the Schloss system. The Schloss system schedules tasks to be performed at a future time whereas the claimed arrangement does NOT schedule tasks to be performed at a future time. The Schloss scheduling system inherently involves a further "intervening scheduling time" delaying operation absent from the claimed arrangement.

Furthermore, Schloss teaches the **fundamentally different** approach of initiating scheduling of tasks and **subsequently** determining if the tasks are still appropriate at a "prepare to perform time" by determining whether to cancel, alter or modify a schedule, for performance of tasks at a future time, if dynamic conditions associated with the tasks are not satisfied. Specifically, Schloss in the Abstract states in "a **scheduling system**, events and/or groups of events are checked at a scheduling time to insure that certain fixed conditions associated with the event(s) are satisfied. The events are also checked at one or more times, between scheduling time and a performance time (when the event(s) are to be performed), called "prepare to perform time(s)." Schloss clearly requires an event to be scheduled and checked prior to performance thus rendering the conclusion of the Rejection on page 4 (discussed above) erroneous. Therefore, as scheduling is required prior to performance, Schloss teaches against the present claimed invention which "initiat[es] execution of performance of said particular sequence of tasks...**without scheduling said performance and associated intervening scheduling time delay**".

Additionally, a further fundamental difference exists between the present claimed system and Schloss. Specifically, the term "event" as used in the present claimed invention is wholly unlike and unrelated to Schloss. Schloss discloses "[a]t the prepare to perform time(s), certain dynamic conditions and/or data associated with the events are checked to determine whether the dynamic conditions are satisfied...If one or more of the dynamic conditions are not satisfied, the event(s) are...modified by canceling, altering or

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postponing" the event (see Schloss, Abstract). In Schloss an "event" is "any occurrence to be scheduled" (Schloss column 3 line 8) whereas in the claimed arrangement an "event" represents a "change in circumstances potentially affecting healthcare delivered to a patient". Therefore, Schloss in addition to requiring scheduling prior to performance, checks conditions to determine if the scheduled event should be altered. Schloss is wholly unlike the method of the present claimed invention which processes "an event representing a change in circumstances potentially affecting healthcare delivered to a patient" by "associating in a repository, at least one event...with a sequence of tasks to be performed" and "determining by using said repository, a particular sequence of tasks to be performed" and "initiating execution of performance of said particular sequence of tasks...without scheduling said performance and associated scheduling time delay". Consequently, withdrawal of the rejection of claim 1 under 35 USC 103(a) is respectfully requested.

Dependent claim 9 is considered to be patentable based on its dependence on independent claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claim 9. Additionally, the arguments presented in the Amendment filed August 4, 2005 regarding claim 9 are also applicable herein. Thus Withdrawal of the rejection of claim 9 under 35 USC 103(a) is further respectfully requested.

CLAIM 2

Dependent claim 2 is considered to be patentable based on its dependence on claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claim 2. Claim 2 is also considered to be patentable because Schloss neither discloses nor suggests "in response to examining predetermined information and said occurrence of said identified event, substituting at least one of said particular tasks for a task of an existing task sequence being performed" as in the present claimed invention. Schloss nowhere mentions or contemplates "substituting" a task for another task of a workflow. Schloss in column 8 lines 27-29 (or elsewhere) does not contemplate, discuss or mentions substituting a task for another task. The term "substituting" as defined and used in the application comprises replacing a task with another task, for example. This is evident from the application on page 10 lines 1-5 which indicates "Selection of item 625 results in replacement" of a "default workflow process (or in another embodiment, particular identified tasks of the default workflow process. Thus, Schloss fails to show, suggest, mention, or allude to such a feature. Consequently, it is respectfully requested that the rejection of claim 2 under 35 USC 103(a) be withdrawn.

CLAIM 3

Dependent claim 3 is considered to be patentable based on its dependence on claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claim 3.

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Claim 3 is also considered to be patentable because Schloss neither discloses nor suggests "said message includes an event identifier identifying said event and is generated by a second process comprising a second set of tasks and including the activity of also receiving an identifier identifying a particular instance of said first process."

Contrary to the Rejection statement on page 5 and elsewhere, Schloss in column 8, lines 21-22 does not show or suggest use of an "identifier identifying a particular instance" of a process. An "instance of a process" is a "copy (an instance) of the desired event associated particular workflow process" (Application page 8, lines 28-30) i.e. an instance of a process is a copy of a process. This is also the meaning attributed to the term by one of ordinary skill in the art at the time of the invention. As recited in MPEP 2111.01, section III "[a]n applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)...Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim". The recognition of the patentee as "his or her own lexicographer" holds even when the patentee defined the word more broadly than its original meaning (Jack Guttman, Inc. v. Kopykake Enter., Inc., 302 F.3d 1352, 1360, 64 U.S.P.Q.2d (BNA) 1302, 1307 (Fed. Cir. 2002)). If the patent specification defines a claim term, either expressly or by clear implication, it acts as a dictionary for interpreting that claim term (Jack Guttman, 302 F.3d 1352, 1360, 64 U.S.P.Q.2d (BNA) 1302, 1307 (Fed. Cir. 2002), Vitronics Corp., v. Conceptronic Inc., 90 F.3d at 1582, 39 U.S.P.Q.2d (BNA) at 1577. Schloss in column 8, lines 21-22 does not show or suggest use of an "identifier identifying a particular" copy of a process. Schloss in column 8, lines 21-22 relied on in the Rejection merely mentions "if the event is part of an event group, each event 210 in the event group 260 will require the identifier 305". This has nothing to do with an instance or copy of process.

Schloss also fails to show or suggest use of an "event identifier" identifying an event comprising a "change in circumstances potentially affecting healthcare delivered to a patient." As discussed above with respect to claim 1, the term "event" is not the "event" of the present claimed invention. Specifically, in Schloss, an "event" is "any occurrence to be scheduled" i.e. a task (Schloss column 3 line 8) and is NOT a "change in circumstances potentially affecting healthcare delivered to a patient." Schloss in column 4 lines 42-44, column 7 lines 55-59 and column 8 lines 27-35 does not show or suggest such an "event identifier." Consequently, it is respectfully requested that the rejection of claim 3 under 35 USC 103(a) be withdrawn.

CLAIM 6

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Dependent claim 6 is considered to be patentable based on its dependence on claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claim 6. Claim 6 is also considered to be patentable for reasons given in connection with claim 3. Claim 6 is also considered to be patentable because Schloss neither discloses nor suggests "associating in a repository, said event with a process instance identifier identifying an instance of a process comprising said sequence of tasks" as in the present claimed invention. As previously explained in connection with claim 3, Schloss does not show or suggest use of a "process instance identifier." Schloss also does not suggest "associating in a repository, said event with a process instance identifier identifying an instance of a process comprising said sequence of tasks." Contrary to the Rejection statement on page 5, the event group template and pointer to a header identifier of Schloss column 7 lines 55-59 has nothing to do with a "process instance identifier." Consequently, it is respectfully requested that the rejection of claim 6 under 35 USC 103(a) be withdrawn.

CLAIM 10

Dependent claim 10 is considered to be patentable based on its dependence on claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claim 10. Claim 10 is also considered to be patentable because Schloss neither discloses nor suggests "receiving information identifying a particular individual task of a task sequence being performed and including the activity of adapting said task sequence being performed by initiating continuation of said task sequence being performed from said identified particular individual task in response to occurrence of said event" as in the present claimed invention. Column 12 lines 14-16 relied on in the Rejection does NOT show or suggest "adapting said task sequence being performed by initiating continuation of said task sequence being performed from said identified particular individual task in response to occurrence of said event." The relied on section merely shows the addition of a second task (booster injection) to a first task (an injection). Furthermore, column 12, lines 16-35 merely describes the implementation of scheduling inextricably linked events. The present claimed invention, on the other hand, receives "information identifying a particular individual task of a task sequence being performed" and based on that information, the present claimed invention adapts the "task sequence being performed by initiating continuation of said task sequence being performed from said identified particular individual task in response to occurrence of said event." This claimed feature is neither disclosed nor suggested by Schloss. Consequently, it is respectfully requested that the rejection of claim 10 under 35 USC 103(a) be withdrawn.

CLAIM 11 and 18

Independent claim 11 includes similar limitations and is considered to be patentable for the reasons given in connection with claim 1. Therefore, the arguments presented above

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with respect to claim 1 also apply to claim 11. Specifically, Schloss is concerned with a scheduling system whereby a task **must be scheduled prior to performance** and wherein the **scheduled task** is checked to ensure compliance with certain conditions. This is in direct contrast to the present claimed invention which processes "an event representing a change in circumstances potentially affecting healthcare delivered to a patient" by "associating in a repository, at least one event...with a sequence of tasks to be performed" and "determining by using said repository, whether said identified event is associated with a particular process of a plurality of predetermined processes" and "initiating execution of performance of said particular process...**without scheduling said performance and associated scheduling time delay**".

The Examiner on page 8 recognizes that Schloss does not disclose "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay". However, the Examiner erroneously states that such a feature would be obvious relying on Schloss column 11 lines 29-37 as indicating Schloss teaches scheduling of tasks with zero time delay. Contrary to the Rejection statement, Schloss does NOT teach scheduling of tasks with zero time delay. All tasks in Schloss relied on in the Rejection are scheduled for future performance. Schloss merely discusses allowing a "linked event", i.e., a task related to a "first event" (a first task) to be scheduled for concurrent performance with the first task and to be scheduled for performance with zero relative delay to the first task. All tasks in Schloss are scheduled for future performance and in addition the act of scheduling is inherently a further "intervening scheduling time" delaying operation. Schloss teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling".

The tasks in Schloss are scheduled for future performance as indicated in column 10 line 63 to column 11 line 2 and Figure 9 "When an event group 260 is scheduled, a date 256 is set for each event 210 in the group. Depending upon the implementation, the date 256 used is supplied by a user through the calendar software application". The "first events in the group" may have "linked events" (related events) scheduled as indicated in Figure 10 (Column 11 lines 9-13, 25-28). Specifically, a "wait interval" of the "first event 210 is checked". If the "wait interval is zero" the events "will be scheduled on the same date" as the "first event" e.g., in an event group representing a "30,000 mile service for automobile type xxx", there might be a preceding event saying "'Drain Oil" followed by an event with no time delay saying "Change Oil Filter"". Consequently, Schloss merely teaches allowing a "linked event", i.e., a task related to a "first event" (a first task) to be concurrently initiated with the first task and to be scheduled with zero relative delay to the first task. Consequently, contrary to the Rejection statement on page 4 and elsewhere, tasks in

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Schloss relied on in the Rejection are scheduled for future performance and Schloss teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling". The claimed arrangement is fundamentally different to the Schloss system. The Schloss system schedules tasks to be performed at a future time whereas the claimed arrangement does NOT schedule tasks to be performed at a future time. The Schloss scheduling system inherently involves a further "intervening scheduling time" delaying operation absent from the claimed arrangement.

Additionally, as the term "event" used by Schloss differs in meaning as compared to the "event" of the present claimed invention, Schloss also neither discloses "receiving at least one message identifying occurrence of said event and at least one parameter associated with said event" and "providing said parameter to said particular process in response to said determination said identified event is associated with said particular process" as in the present claimed invention. The Rejection cites column 4, lines 43- 48 as disclosing the claimed activity of "receiving". However, Schloss merely discloses that certain conditions must be checked "at a prepare to perform time". This neither discloses nor suggests "receiving at least one message identifying occurrence of said event" wherein the event "represent[s] a change in circumstances potentially affecting healthcare delivered to a patient" as in the present claimed invention.

Applicant further respectfully submits that there is no 35 USC 112 compliant enabling disclosure present in Schloss that provides motivation or reason to obtain the claimed arrangement. Specifically, Schloss is directly concerned with scheduling tasks and the checks that must occur prior to actual performance. This is wholly unlike the present claimed invention which provides for "initiating execution of performance of said particular process without scheduling said performance and associated intervening scheduling time delay" as in the present claimed invention. Consequently, it is respectfully requested that the rejection of claim 11 be withdrawn.

Dependent claim 18 is considered to be patentable based on its dependence on independent claim 11. Therefore, the arguments presented above with respect to claim 11 also apply to claim 18. Additionally, the arguments presented in the Amendment filed August 4, 2005 regarding claims 3, 7, 8 and 17 are also applicable herein. Thus Withdrawal of the rejection of claim 18 under 35 USC 103(a) is further respectfully requested.

CLAIM 12

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Dependent claim 12 is considered to be patentable based on its dependence on claim 11. Therefore, the arguments presented above with respect to claim 11 also apply to claim 12. Claim 12 is also considered to be patentable because Schloss neither discloses nor suggests "said associated parameter is for use by multiple different process task sequences and is stored at a location available for access by said multiple different process task sequences" as in the present claimed invention. Contrary to the Rejection statement on page 9, Schloss provides no 35 USC 112 enabling disclosure in Figure 2, column 3 lines 40-65, column 15 lines 46-53 or elsewhere, of providing global parameters "stored at a location available for access by said multiple different process task sequences." Consequently, it is respectfully requested that the rejection of claim 12 under 35 USC 103(a) be withdrawn.

CLAIM 13

Dependent claim 13 is considered to be patentable based on its dependence on claim 11. Therefore, the arguments presented above with respect to claim 11 also apply to claim 13. Claim 13 is also considered to be patentable because Schloss neither discloses nor suggests "verifying said associated parameter is compatible with predetermined value criteria as a pre-condition to providing said parameter to said predetermined process" as in the present claimed invention. The claimed arrangement initiates "execution of performance of said particular process without scheduling said performance and associated intervening scheduling time delay in response to...determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual." Consequently, "verifying said associated parameter is compatible with predetermined value criteria" is performed prior to "execution of performance of said particular process without scheduling said performance and associated intervening scheduling time delay." In contrast, Schloss initiates **scheduling** of said tasks to be performed at a future time based on fixed conditions and **confirms scheduling** based on dynamic conditions at the prepare to perform time (Schloss Abstract and column 15, lines 54-60). Whereas, the claimed arrangement does NOT schedule tasks at all but initiates **execution** of performance of a task sequence based on "determination pre-conditions associated with said task sequence are satisfied" and verification "said associated parameter is compatible with predetermined value criteria as a pre-condition to providing said parameter to said predetermined process." In view of the above remarks, it is respectfully submitted that Schloss provides no 35 USC 112 compliant enabling disclosure that makes the present invention as claimed in claim 13 unpatentable. Consequently, it is respectfully requested that the rejection of claim 13 under 35 USC 103(a) be withdrawn.

CLAIM 19

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Dependent claim 19 is considered to be patentable based on its dependence on claim 11. Therefore, the arguments presented above with respect to claim 11 also apply to claim 19. Claim 19 is also considered to be patentable because Schloss neither discloses nor suggests "associating in a repository, said event with a process instance identifier identifying an instance of said process comprising said sequence of tasks" as in the present claimed invention.

As described with respect to claim 3, Schloss does not show or suggest use of an "identifier identifying an instance" of a process. An "instance of a process" is a "copy (an instance) of the desired event associated particular workflow process" (Application page 8, lines 28-30) i.e. an instance of a process is a copy of a process. This is also the meaning attributed to the term by one of ordinary skill in the art at the time of the invention. As recited in MPEP 2111.01, section III "An applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)...Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim." The recognition of the patentee as "his or her own lexicographer" holds even when the patentee defined the word more broadly than its original meaning (Jack Guttman, Inc. v. Kopykake Enter., Inc., 302 F.3d 1352, 1360, 64 U.S.P.Q.2d (BNA) 1302, 1307 (Fed. Cir. 2002). If the patent specification defines a claim term, either expressly or by clear implication, it acts as a dictionary for interpreting that claim term (Jack Guttman, 302 F.3d 1352, 1360, 64 U.S.P.Q.2d (BNA) 1302, 1307 (Fed. Cir. 2002), Vitronics Corp., v. Conceptronic Inc., 90 F.3d at 1582, 39 U.S.P.Q.2d (BNA) at 1577. Schloss in column 8, lines 21-22 does not show or suggest use of an "identifier identifying a" copy of a process.

Schloss also fails to show or suggest use of an "event" comprising a "change in circumstances potentially affecting healthcare delivered to a patient." An "event" as used in Schloss is "any occurrence to be scheduled" i.e. a task (Schloss column 3 line 8) and is NOT a "change in circumstances potentially affecting healthcare delivered to a patient." In view of the above remarks, it is respectfully submitted that Schloss provides no 35 USC 112 compliant enabling disclosure that makes the present invention as claimed in claim 19 unpatentable. Consequently, it is respectfully requested that the rejection of claim 19 under 35 USC 103(a) be withdrawn.

CLAIM 20, 22, 25

Independent claim 20 is considered to be patentable for reasons given in connection with claims 1, 3 and 6. Therefore, the arguments presented above with respect to claims 1,

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3 and 6 also apply to claim 20. Specifically, Schloss is concerned with a scheduling system whereby a task **must be scheduled prior to performance** and wherein the **scheduled task** is checked to ensure compliance with certain conditions. This is in direct contrast to the present claimed invention which processes "an event representing a change in circumstances potentially affecting healthcare delivered to a patient" by "associating in a repository, at least one event... with a process instance identifier identifying an instance of a process comprising a sequence of tasks to be performed" and "receiving at least one message identifying occurrence of said event during said first process and identifying a parameter associated with said event". Additionally, Schloss neither discloses nor suggests "acquiring said parameter associated with said event and providing said parameter to an instance of a second process identified using said repository" and "adapting said instance of said second process by initiating execution of performance of a particular set of tasks **without scheduling said performance and associated intervening scheduling time delay**" as claimed in claim 20 of the present invention.

Schloss does not show (or suggest) "associating in a repository, at least one event potentially affecting healthcare delivered to a patient **with a process instance identifier** identifying an instance of a process comprising a sequence of tasks". Schloss does not recognize or contemplate the use of process instance identifiers (such identifiers identify copies of a process comprising a defined sequence of tasks, for example, Application page 8 line 29).

Schloss mentions templates as being "event groups with some omitted information that is provided by a user at scheduling time. Templates are used to facilitate the scheduling of common events and/or event groups" (Schloss column 4 line 66 to column 5 line 7). However, Schloss in column 8 lines 27-35 or elsewhere provides no mention, recognition or discussion of the use of "process instances" or "process instance identifiers". Schloss similarly does not show or suggest "adapting said instance of said second process by initiating execution of performance of a particular set of tasks **without scheduling said performance and associated intervening scheduling time delay** in response to receiving said at least one message". Column 8 lines 27-35 suggests nothing about process instances at all.

Further, as discussed with respect to claim 1, column 11, lines 29-37 describes a schedule time for linked events and discusses a wait interval of zero (0) between the first and following events. However, the first event must still be scheduled. The present invention, on the other hand, initiates "execution of performance of a particular set of tasks **without scheduling said performance and associated intervening scheduling time delay**". The Schloss system schedules tasks to be performed at a future time whereas the claimed

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arrangement provides for "initiating execution of performance...without scheduling" the task(s) to be performed at a future time. Also, the Rejection on page 11 erroneously concludes, in view of the disclosure in column 2, lines 35 – 40 of Schloss, that "during the time when dynamic conditions for events are being checked when preparing for performance time, and those events do not have a time delay, the events would therefore obviously be performed without a time delay". Applicant respectfully disagrees. Rather, the events referred to in Schloss having no time delays are events within a linked event chain, and are **not the initiation of the first of the sequence of events**, as in the present claimed invention.

The Examiner on page 10 recognizes that Schloss does not disclose "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay". However, the Examiner erroneously states that such a feature would be obvious relying on Schloss column 11 lines 29-37 as indicating Schloss teaches scheduling of tasks with zero time delay. Contrary to the Rejection statement, Schloss does NOT teach scheduling of tasks with zero time delay. All tasks in Schloss relied on in the Rejection are scheduled for future performance. Schloss merely discusses allowing a "linked event", i.e., a task related to a "first event" (a first task) to be scheduled for concurrent performance with the first task and to be scheduled for performance with zero relative delay to the first task. All tasks in Schloss are scheduled for future performance and in addition the act of scheduling is inherently a further "intervening scheduling time" delaying operation. Schloss teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling".

The tasks in Schloss are scheduled for future performance as indicated in column 10 line 63 to column 11 line 2 and Figure 9 "When an event group 260 is scheduled, a date 256 is set for each event 210 in the group. Depending upon the implementation, the date 256 used is supplied by a user through the calendar software application". The "first events in the group" may have "linked events" (related events) scheduled as indicated in Figure 10 (Column 11 lines 9-13, 25-28). Specifically, a "wait interval" of the "first event 210 is checked". If the "wait interval is zero" the events "will be scheduled on the same date" as the "first event" e.g., in an event group representing a "30,000 mile service for automobile type xxx", there might be a preceding event saying ""Drain Oil" followed by an event with no time delay saying "Change Oil Filter"". Consequently, Schloss merely teaches allowing a "linked event", i.e., a task related to a "first event" (a first task) to be concurrently initiated with the first task and to be scheduled with zero relative delay to the first task. Consequently, contrary to the Rejection statement on page 4 and elsewhere, tasks in Schloss relied on in the Rejection are scheduled for future performance and Schloss

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teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling". The claimed arrangement is fundamentally different to the Schloss system. The Schloss system schedules tasks to be performed at a future time whereas the claimed arrangement does NOT schedule tasks to be performed at a future time. The Schloss scheduling system inherently involves a further "intervening scheduling time" delaying operation absent from the claimed arrangement. Therefore the claimed feature is neither disclosed nor suggested by Schloss. Consequently, it is respectfully requested that the rejection of claim 20 under 35 USC 103(a) be withdrawn.

Dependent claims 22 and 25 are considered to be patentable for the reasons given in connection with claim 20. Therefore, withdrawal of the rejection of claims 22 and 25 under 35 USC 103(a) is respectfully requested.

CLAIM 21

Dependent claim 21 is considered to be patentable based on its dependence on claim 20 and for reasons given in connection with claim 10. Therefore, these arguments presented above also apply to claim 21. Claim 21 is also considered to be patentable because Schloss neither discloses nor suggests "including the activity of receiving an identifier identifying a particular individual task in said second process and wherein said adapting activity comprises initiating processing of said second process from said particular individual task in response to receiving said at least one message identifying occurrence of said event and determination said parameter is within predetermined acceptability criteria" as in the present claimed invention. Further, column 12, lines 16-35 merely describes the implementation of scheduling inextricably linked events. The present claimed invention, on the other hand, receives "an identifier identifying a particular individual task in said second process." Based on that information, "said adapting activity comprises initiating processing of said second process from said particular individual task in response to receiving said at least one message identifying occurrence of said event." This claimed feature is neither disclosed nor suggested by Schloss. Consequently, it is respectfully requested that the rejection of claim 22 under 35 USC 103(a) be withdrawn.

CLAIM 23

Dependent claim 23 is considered to be patentable based on its dependence on claim 20. Therefore, the arguments presented above with respect to claim 20 apply to claim 23. Claim 23 is also considered to be patentable because Schloss neither discloses nor suggests "sharing data between said first and second process comprising sharing at least one of, (a) an event identifier identifying said event, (b) a process identifier identifying said first process and (c) an identifier identifying a particular instance of said

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first process” as in the present claimed invention. As previously explained an “event” as defined in Schloss comprise “any occurrence to be scheduled” (Schloss column 3, line 8) whereas in the claimed arrangement an “event” represents a “change in circumstances potentially affecting healthcare delivered to a patient.” Consequently, Schloss in column 8, lines 21-26 or elsewhere does not suggest a feature combination as provided by claim 23. Column 8, lines 21-26 merely refers to event identifiers of events comprising “any occurrence to be scheduled” (Schloss column 3, line 8) and having nothing to do with “sharing data” between a “first and second process.” Therefore, Schloss provides no 35 USC 112 compliant enabling disclosure that makes the present invention as claimed in claim 23 unpatentable. Consequently, it is respectfully requested that the rejection of claim 23 under 35 USC 103(a) be withdrawn.

CLAIM 26

Independent claim 26 is considered to be patentable for the reasons given in connection with claim 1. Therefore, the arguments presented above with respect to claim 1 also apply to claim 26. Claim 26 is also considered to be patentable because Schloss neither discloses nor suggests “a processor for **initiating execution** of performance of said particular tasks by at least one individual **without scheduling** said performance and associated intervening scheduling time delay in response to said occurrence of said identified event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual” as in the present claimed invention.

Schloss, as already explained, does not show (or suggest) “**initiating execution** of performance of said particular tasks by at least one individual **without scheduling** said performance and associated intervening scheduling time delay in response to said occurrence of said identified event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual”. Schloss also does not suggest in column 14 lines 41-56 (as relied on in the Rejection on pages 13) “an event analyzer for using said at least one repository and for applying predetermined rules to interpret said identified event to determine a particular sequence of tasks to be performed in response to receiving said message identifying occurrence of said identified event”. As previously explained an “event” as defined in Schloss comprises “any occurrence to be scheduled” i.e. a task (Schloss column 3 line 8) whereas in the claimed arrangement an “event” represents a “change in circumstances potentially affecting healthcare delivered to a patient”. Consequently, Schloss does not suggest a feature combination as provided by claim 26.

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Further, as discussed with regard to claims 1 and 20, column 11, lines 29-37 describes a schedule time for linked events and discusses a wait interval of zero (0) between the first and following events. However, the first event must still be scheduled. The present invention, on the other hand, includes "a processor for initiating execution of performance of said particular tasks **without scheduling** said performance and associated intervening scheduling time delay". The Schloss system schedules tasks to be performed at a future time and does not provide for "initiating execution of performance...**without scheduling said performance**" as in the present claimed invention.

Additionally, the Rejection on page 14 erroneously concludes, in view of the disclosure in column 2, lines 35 - 40 of Schloss, that "during the time when dynamic conditions for events are being checked when preparing for performance time, and those events do not have a time delay, the events would therefore obviously be performed without a time delay". Applicant respectfully disagrees. Rather, the events referred to in Schloss having no time delays are events within a linked event chain, and are **not the initiation of the first of the sequence of events**, as in the present claimed invention. Thus, Schloss neither discloses nor suggests initiating "execution of performance of said particular tasks **without scheduling** said performance and associated intervening scheduling time delay" as in the present invention.

The Examiner on page 4 line 7 recognizes that Schloss does not disclose "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay". However, the Examiner erroneously states that such a feature would be obvious relying on Schloss column 11 lines 29-37 as indicating Schloss teaches scheduling of tasks with zero time delay. Contrary to the Rejection statement, Schloss does **NOT** teach scheduling of tasks with zero time delay. All tasks in Schloss relied on in the Rejection are scheduled for future performance. Schloss merely discusses allowing a "linked event", i.e., a task related to a "first event" (a first task) to be scheduled for concurrent performance with the first task and to be scheduled for performance with zero relative delay to the first task. All tasks in Schloss are scheduled for future performance and in addition the act of scheduling is inherently a further "intervening scheduling time" delaying operation. Schloss teaches scheduling of all tasks and **NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling"**.

The tasks in Schloss are scheduled for future performance as indicated in column 10 line 63 to column 11 line 2 and Figure 9 "When an event group 260 is scheduled, a date 256 is set for each event 210 in the group. Depending upon the implementation, the date 256 used is supplied by a user through the calendar software application". The "first events

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in the group" may have "linked events" (related events) scheduled as indicated in Figure 10 (Column 11 lines 9-13, 25-28). Specifically, a "wait interval" of the "first event 210 is checked". If the "wait interval is zero" the events "will be scheduled on the same date" as the "first event" e.g., in an event group representing a "30,000 mile service for automobile type xxx", there might be a preceding event saying "'Drain Oil" followed by an event with no time delay saying "Change Oil Filter"". Consequently, Schloss merely teaches allowing a "linked event", i.e., a task related to a "first event" (a first task) to be concurrently initiated with the first task and to be scheduled with zero relative delay to the first task. Consequently, contrary to the Rejection statement on page 4 and elsewhere, tasks in Schloss relied on in the Rejection are scheduled for future performance and Schloss teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling". The claimed arrangement is fundamentally different to the Schloss system. The Schloss system schedules tasks to be performed at a future time whereas the claimed arrangement does NOT schedule tasks to be performed at a future time. The Schloss scheduling system inherently involves a further "intervening scheduling time" delaying operation absent from the claimed arrangement. Consequently, it is respectfully requested that the rejection of claim 26 under 35 USC 103(a) be withdrawn.

CLAIM 27

Dependent claim 27 is considered to be patentable based on its dependence on claim 26. Therefore, the arguments presented above with respect to claim 26 also apply to claim 27. Claim 27 is also considered to be patentable because Schloss neither shows nor suggests "at least one repository" that "associates said at least one event with a **process instance identifier** identifying an instance of a process comprising said sequence of tasks". As previously explained in connection with claim 20, Schloss does not suggest use of "**process instance identifier**" or such a feature combination at all. Consequently, it is respectfully requested that the rejection of claim 27 under 35 USC 103(a) be withdrawn.

CLAIM 28

The claimed arrangement supports "initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied". The claimed arrangement initiates "execution of performance" of a "sequence of tasks" "**without scheduling said performance and associated intervening scheduling time delay**". Thus, the present claimed invention is **fundamentally different** to the Schloss system. Contrary to the present claimed invention, the Schloss system **schedules tasks to be performed at a future time**. This is wholly unlike the present

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claimed invention "performance of said particular sequence of tasks" is initiated "without scheduling said performance".

The present claimed invention initiates "execution of performance" of a "sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay". This is done "in response to receiving" a "message identifying occurrence" of an "event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual". In contrast, Schloss discloses "a system and method that schedules one or more events or event groups subject to conditions" (Schloss column 2 lines 28-32). This is in direct contrast with the claimed system which does NOT schedule tasks for performance at a future time at all. Rather the claimed system initiates "execution of performance" of a "sequence of tasks by at least one individual without scheduling" performance at a future time and without the "associated intervening scheduling time delay" that is typically found when scheduling an event in the manner performed by Schloss. In Schloss, following scheduling of a task "there are dynamic conditions that must be checked (at a prepare to perform time 252, 258) and honored before performing event 1 at the performance time 256" (column 4 lines 41-43). Thus, if the dynamic conditions are satisfied, the event is confirmed for performance. However, these events are not actually performed at this point. Rather, they are just scheduled to be performed. The claimed arrangement is not shown or suggested in Schloss which teaches a system fundamentally different to that of the claimed arrangement. The present claimed system resolves inefficiency involved in altering and updating healthcare worker schedules because of the need to update scheduling at a "prepare to perform time" that is addressed in the claimed system. The claimed arrangement provides substantial logistical and efficiency advantages in a modern complex healthcare environment (see Application page 5 lines 19-23).

The Examiner on page 4 line 7 recognizes that Schloss does not disclose "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay". However, the Examiner erroneously states that such a feature would be obvious relying on Schloss column 11 lines 29-37 as indicating Schloss teaches scheduling of tasks with zero time delay. Contrary to the Rejection statement, Schloss does NOT teach scheduling of tasks with zero time delay. All tasks in Schloss relied on in the Rejection are scheduled for future performance. Schloss merely discusses allowing a "linked event", i.e., a task related to a "first event" (a first task) to be scheduled for concurrent performance with the first task and to be scheduled for performance with zero relative delay to the first task. All tasks in Schloss are scheduled for future performance and in addition the act of scheduling is

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inherently a further "intervening scheduling time" delaying operation. Schloss teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling".

The tasks in Schloss are scheduled for future performance as indicated in column 10 line 63 to column 11 line 2 and Figure 9 "When an event group 260 is scheduled, a date 256 is set for each event 210 in the group. Depending upon the implementation, the date 256 used is supplied by a user through the calendar software application". The "first events in the group" may have "linked events" (related events) scheduled as indicated in Figure 10 (Column 11 lines 9-13, 25-28). Specifically, a "wait interval" of the "first event 210 is checked". If the "wait interval is zero" the events "will be scheduled on the same date" as the "first event" e.g., in an event group representing a "30,000 mile service for automobile type xxx", there might be a preceding event saying "'Drain Oil" followed by an event with no time delay saying "Change Oil Filter"". Consequently, Schloss merely teaches allowing a "linked event", i.e., a task related to a "first event" (a first task) to be concurrently initiated with the first task and to be scheduled with zero relative delay to the first task. Consequently, contrary to the Rejection statement on page 4 and elsewhere, tasks in Schloss relied on in the Rejection are scheduled for future performance and Schloss teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling". The claimed arrangement is fundamentally different to the Schloss system. The Schloss system schedules tasks to be performed at a future time whereas the claimed arrangement does NOT schedule tasks to be performed at a future time. The Schloss scheduling system inherently involves a further "intervening scheduling time" delaying operation absent from the claimed arrangement.

Furthermore, Schloss teaches the fundamentally different approach of initiating scheduling of tasks and subsequently determining if the tasks are still appropriate at a "prepare to perform time" by determining whether to cancel, alter or modify a schedule, for performance of tasks at a future time, if dynamic conditions associated with the tasks are not satisfied. Specifically, Schloss in the Abstract states in "a scheduling system, events and/or groups of events are checked at a scheduling time to insure that certain fixed conditions associated with the event(s) are satisfied. The events are also checked at one or more times, between scheduling time and a performance time (when the event(s) are to be performed), called "prepare to perform time(s)." Schloss clearly requires an event to be scheduled and checked prior to performance thus rendering the conclusion of the Rejection on page 4 (discussed above) erroneous. Therefore, as scheduling is required prior to performance, Schloss teaches against the present claimed invention which "initiat[es]

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execution of performance of said particular sequence of tasks...without scheduling said performance and associated intervening scheduling time delay”.

Additionally, a further fundamental difference exists between the present claimed system and Schloss. Specifically, the term “event” as used in the present claimed invention is wholly unlike and unrelated to Schloss. Schloss discloses “[a]t the prepare to perform time(s), certain dynamic conditions and/or data associated with the events are checked to determine whether the dynamic conditions are satisfied...If one or more of the dynamic conditions are not satisfied, the event(s) are...modified by canceling, altering or postponing” the event (see Schloss, Abstract). In Schloss an “event” is “any occurrence to be scheduled” (Schloss column 3 line 8) whereas in the claimed arrangement an “event” represents a “change in circumstances potentially affecting healthcare delivered to a patient”. Therefore, Schloss in addition to requiring scheduling prior to performance, checks conditions to determine if the scheduled event should be altered. Schloss is wholly unlike the method of the present claimed invention which processes “an event representing a change in circumstances potentially affecting healthcare delivered to a patient” by “associating in a repository, at least one event...with a sequence of tasks to be performed” and “determining by using said repository, a particular sequence of tasks to be performed” and “initiating execution of performance of said particular sequence of tasks...without scheduling said performance and associated scheduling time delay”.

Schloss neither discloses nor suggests “in response to examining predetermined information and said occurrence of said identified event, substituting at least one of said particular tasks for a task of an existing task sequence being performed” as in the present claimed invention. Schloss nowhere mentions or contemplates “substituting” a task for another task of a workflow. Schloss in column 8 lines 27-29 (or elsewhere) does not contemplate, discuss or mentions substituting a task for another task. The term “substituting” as defined and used in the application comprises replacing a task with another task, for example. This is evident from the application on page 10 lines 1-5 which indicates “Selection of item 625 results in replacement” of a “default workflow process (or in another embodiment, particular identified tasks of the default workflow process. Thus, Schloss fails to show, suggest, mention, or allude to such a feature.

In view of the above remarks, Applicant respectfully submits that there is no 35 USC 112 compliant enabling disclosure present in Schloss that makes the present invention as claimed in independent claims 1, 11, 20, 26 and 28 unpatentable. As claims 2-3, 6 and 9-10 are dependent on claim 1, claims 12-13 and 19 are dependent on claim 11, claims 21-23 are dependent on claim 20 and claim 27 is dependent on claim 26, Applicant respectfully submits that claims 2-3, 6, 9-10, 12-13, 19, 21-23 and 27 are also not unpatentable in view

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of Schloss. It is thus respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 4, 7, 8, 15-17, 24 and 29 under 35 USC 103(a) over Schloss et al. (U.S. 5,692,125) in view of Judge et al. (U.S. 6,401,138)

Reversal of the rejection of claims 4, 7, 8, 15-17, 24 and 29 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,692,125 issued to Schloss in view of U.S. Patent 6,401,138 issued to Judge is respectfully requested because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claims 4, 7, 8, 15-17, 24 and 29 are made unpatentable by Schloss in view of Judge.

CLAIM 4

Dependent claim 4 is considered to be patentable based on its dependence on claims 1 and 3. Claim 4 is also considered to be patentable because Schloss with Judge does not show (or suggest) "said particular instance of said first process comprises a particular use of said process for a specific patient". Neither Judge nor Schloss alone or together show or suggest use of "an event identifier identifying" a "change in circumstances potentially affecting healthcare delivered to a patient" and that is "generated by a second process comprising a second set of tasks and including the activity of also receiving an identifier identifying a particular instance of said first process" comprising a "particular use of said process for a specific patient". Neither reference suggests use of such an "event identifier" or such a process "instance" identifier.

Judge describes a patient context interface which stores changes to patient status and notifies other applications so that they can update their displays with the patient information (column 1 lines 38-43). The Judge system is unrelated to the claimed task sequence management and execution workflow technology and instead supports the synchronization of display of patient data by multiple applications. Specifically, Judge in column 21 lines 36-45, relied on in the Rejection, shows sharing patient context information between different executable applications and has no relevance to use of an identifier identifying a "particular instance of said first process" for a "particular use of said process" comprising a "set of tasks, to be performed by at least one individual to support healthcare delivery" for a "specific patient" as recited in claim 4.

As previously explained in connection with claim 3, an "instance of a process" is a "copy" of an "event associated particular workflow process" (Application page 8 lines 28-30). This is also the meaning attributed to the term by one of ordinary skill in the art at the time of the invention. Schloss with Judge does not show or suggest use of an "identifier identifying a particular" copy of a process. Judge neither discloses nor suggests use of an

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“identifier identifying a particular” copy of a process at all. In Judge, the NT process ID relied on is merely used to identify an application called by a Windows NT operating system (column 9, line 13). Specifically, “in order to identify the application with which each PCI_ApplicationC object is associated...the NT process ID, the NT thread ID, and the NT process create time (the values required to uniquely identify an application under NT) are stored in the i_processId 256, i_threadId 258, and i_createTime 260 members, respectively” (Judge column 9 lines 10-17). Therefore neither Judge nor Schloss individually or together contemplate or suggest use of an identifier identifying a “particular instance of said first process” for a “particular use of said process”.

Further, the claimed arrangement does NOT schedule tasks for performance at a future time. In addition, neither Schloss nor Judge, alone or together, show or suggest “execution of performance” of a “sequence of tasks by at least one individual without scheduling” performance at a future time and without the “associated intervening scheduling time delay”. Consequently, it is respectfully requested that the rejection of claim 4 under 35 USC 103(a) be withdrawn.

CLAIMS 7, 8 and 16

Dependent claim 7 is considered to be patentable based on its dependence on claim 1 and for reasons given in connection with claims 2 - 4. Therefore, the arguments presented above with regard to claims 2-4, also apply to claim 7. Claim 7 is also considered to be patentable because Schloss with Judge neither discloses nor suggests a system involving a “message” that “includes an event identifier identifying said event and a process identifier identifying a target process to be replaced by a predetermined process comprising said particular tasks”. The Rejection on page 15-16 relies on the erroneous premise that if a process has an identifier it would be obvious to use the identifier to identify a “target process to be replaced by a predetermined process comprising said particular tasks” in the context of the claim arrangement. The Rejection provides no showing or suggestion or motivation in either cited reference for identifying a “target process to be replaced” in any context. These features advantageously enable efficient initiation of workflow processes in a healthcare environment avoiding the inefficiency of prior processes as exemplified by the Schloss system. There is no recognition of the advantages of the claimed system nor any motivation or other reason for modifying the Schloss and Judge systems alone or together to include the claimed arrangement. Consequently, it is respectfully requested that the rejection of claim 7 under 35 USC 103(a) be withdrawn

Dependent claims 8 and 16 are considered to be patentable for the reasons given in connection with claim 7. Consequently, as the Schloss (with Judge) systems neither disclose nor suggest the features of the present invention claimed in claims 8 and 16.

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Therefore, withdrawal of the rejection of claims 8 and 16 under 35 USC 103(a) is further respectfully requested.

CLAIM 15

Dependent claim 15 is considered to be patentable based on its dependence on claim 11 and for reasons given in connection with claim 7. Therefore, the arguments presented above with respect to claims 11 and 7 also apply to claim 15. Claim 15 is also considered to be patentable because Schloss with Judge neither discloses nor suggests "replacing initiating performance of another process with said initiating performance of said identified process". The Rejection provides no showing or suggestion or motivation in either cited reference, for "replacing initiating performance of another process with said initiating performance of said identified process". These features advantageously enable efficient initiation and execution of workflow processes in a healthcare environment avoiding the inefficiency of prior processes as exemplified by the Schloss system. There is no recognition of the advantages of the claimed system nor any motivation or other reason for modifying the Schloss and Judge systems alone or together to include the claimed arrangement. Consequently, it is respectfully requested that the rejection of claim 15 under 35 USC 103(a) be withdrawn

CLAIM 17

Dependent claim 17 is considered to be patentable based on its dependence on claims 11 and 16. Therefore, the arguments presented above with respect to claims 11 and 16 apply to claim 17. Claim 17 is also considered to be patentable because Schloss with Judge neither discloses nor suggests "searching a database containing records indicating active processes and process instances to identify active process instances of said target process to be replaced". As previously explained in connection with claims 7 and 8, the Rejection provides no showing or suggestion or motivation in either cited reference for identifying a process to be "replaced" or of identifying "active process instances of said target process to be replaced". These features advantageously enable efficient initiation of workflow processes in a healthcare environment avoiding the inefficiency of prior processes as exemplified by the Schloss system. There is no recognition of the advantages of the claimed system nor any motivation or other reason for modifying the Schloss and Judge systems alone or together to include the claimed arrangement. Column 5 lines 29-30 of Schloss relied on in the Rejection on page 16 have nothing to do with replacing processes or active process instances. Consequently, it is respectfully requested that the rejection of claim 17 under 35 USC 103(a) be withdrawn

CLAIMS 24 and 25

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Dependent claim 24 is considered to be patentable based on its dependence on claim 20. Therefore the arguments presented above with respect to claim 20 also apply to claim 24. Claim 24 is also considered to be patentable because Schloss (with Judge) neither disclose nor suggest "at least one message includes a process identifier identifying said second process is to be modified in response to occurrence of said event in said first process" as in the present claimed invention.

Schloss does not show (or suggest) "at least one message includes a process identifier identifying said second process is to be modified in response to occurrence of said event in said first process" Schloss does not recognize or contemplate the use of process identifiers (such identifiers identify copies of a process comprising a defined sequence of tasks, for example, Application page 8 line 29).

Schloss mentions templates as being "event groups with some omitted information that is provided by a user at scheduling time. Templates are used to facilitate the scheduling of common events and/or event groups" (Schloss column 4 line 66 to column 5 line 7). However, Schloss in column 8 lines 21-22 and 27-29 or elsewhere provides no mention, recognition or discussion of the use of "process instances" or "process instance identifiers". Schloss similarly does not show or suggest "at least one message includes a process identifier identifying said second process is to be modified in response to occurrence of said event in said first process".

In addition, the Rejection on page 15-16 relies on the erroneous premise that if a process has an identifier it would be obvious to use the identifier to identify "an instance of a process comprising a sequence of tasks to be performed to support healthcare delivery to a patient" in the context of the claim arrangement. The Rejection provides no showing or suggestion or motivation in either cited reference for "a process instance identifier identifying an instance of a process comprising a sequence of tasks to be performed" in any context. These features advantageously enable efficient initiation of workflow processes in a healthcare environment avoiding the inefficiency of prior processes as exemplified by the Schloss system. There is no recognition of the advantages of the claimed system nor any motivation or other reason for modifying the Schloss and Judge systems alone or together to include the claimed arrangement. Consequently, it is respectfully requested that the rejection of claim 24 under 35 USC 103(a) be withdrawn

Dependent claim 25 is considered to be patentable for the reasons given in connection with claim 24. Consequently, as the Schloss (with Judge) neither disclose nor suggest the features of the present invention claimed in claim 25. Therefore, withdrawal of the rejection of claim 25 under 35 USC 103(a) is further respectfully requested.

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CLAIM 29

Independent claim 29 is considered patentable for the reasons presented above with respect to claims 1 and 6. Claim 29 is also considered to be patentable because the Examiner recognizes that Schloss does not disclose "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay". However, the Examiner erroneously states that such a feature would be obvious relying on Schloss column 11 lines 29-37 as indicating Schloss teaches scheduling of tasks with zero time delay. Contrary to the Rejection statement, Schloss does NOT teach scheduling of tasks with zero time delay. All tasks in Schloss relied on in the Rejection are scheduled for future performance. Schloss merely discusses allowing a "linked event", i.e., a task related to a "first event" (a first task) to be scheduled for concurrent performance with the first task and to be scheduled for performance with zero relative delay to the first task. All tasks in Schloss are scheduled for future performance and in addition the act of scheduling is inherently a further "intervening scheduling time" delaying operation. Schloss teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling".

The tasks in Schloss are scheduled for future performance as indicated in column 10 line 63 to column 11 line 2 and Figure 9 "When an event group 260 is scheduled, a date 256 is set for each event 210 in the group. Depending upon the implementation, the date 256 used is supplied by a user through the calendar software application". The "first events in the group" may have "linked events" (related events) scheduled as indicated in Figure 10 (Column 11 lines 9-13, 25-28). Specifically, a "wait interval" of the "first event 210 is checked". If the "wait interval is zero" the events "will be scheduled on the same date" as the "first event" e.g., in an event group representing a "30,000 mile service for automobile type xxx", there might be a preceding event saying "'Drain Oil" followed by an event with no time delay saying "Change Oil Filter"". Consequently, Schloss merely teaches allowing a "linked event", i.e., a task related to a "first event" (a first task) to be concurrently initiated with the first task and to be scheduled with zero relative delay to the first task. Consequently, contrary to the Rejection statement on page 4 and elsewhere, tasks in Schloss relied on in the Rejection are scheduled for future performance and Schloss teaches scheduling of all tasks and NOT "initiating execution" of "performance" of a "particular sequence of tasks by at least one individual without scheduling". The claimed arrangement is fundamentally different to the Schloss system. The Schloss system schedules tasks to be performed at a future time whereas the claimed arrangement does NOT schedule tasks to be performed at a future time. The Schloss scheduling system

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inherently involves a further "intervening scheduling time" delaying operation absent from the claimed arrangement.

Furthermore, the Rejection on page 18-19 relies on the erroneous premise that if a process has an identifier it would be obvious to use the identifier to identify "an instance of a process comprising said sequence of tasks" in the context of the claim arrangement. The Rejection provides no showing or suggestion or motivation in either cited reference for "a process instance identifier identifying an instance of a process comprising said sequence of tasks" in any context. These features advantageously enable efficient initiation of workflow processes in a healthcare environment avoiding the inefficiency of prior processes as exemplified by the Schloss system. There is no recognition of the advantages of the claimed system nor any motivation or other reason for modifying the Schloss and Judge systems alone or together to include the claimed arrangement. Therefore, Schloss alone or in combination with Judge provide no 35 USC 112 compliant enabling disclosure that makes the present invention as claimed in claim 29 unpatentable. Consequently, it is respectfully requested that the rejection of claim 29 under 35 USC 103(a) be withdrawn.

In view of the above remarks, Applicant respectfully submits that there is no 35 USC 112 compliant enabling disclosure present in Schloss (with Judge) that makes the present invention as claimed in independent claim 1, 11, 20 and 29 unpatentable. As claims 4, 7, and 8 are dependent on claim 1, claims 15-18 are dependent on claim 11 and claims 24-25 are dependent on claim 20, Applicant respectfully submits that claims 4, 7, 8, 15-18 and 24-25 are also not made unpatentable by Schloss (with Judge). It is thus respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 5 and 14 under 35 USC 103(a) over Schloss et al. (U.S. 5,692,125) and further in view of Wright et al. (US 6,004,276)

Reversal of the rejection of claims 5 and 14 under 35 U.S.C. 103(a) as being unpatentable over of U.S. Patent 5,692,125 issued to Schloss in view of U.S. Patent 6,004,276 issued to Wright is respectfully requested because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claims 5 and 14 are made unpatentable by Schloss in view of Wright.

CLAIMS 5 and 14

Dependent claim 5 is considered to be patentable based on its dependence on claim 1 and dependent claim 14 is considered patentable based on its dependence on claim 11. Therefore, the arguments presented above with respect to claim 1 also apply to claim 5 and the arguments presented above with respect to claim 11 apply to claim 14, respectively.

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Claims 5 and 14 are also considered to be patentable because Schloss (with Wright) neither disclose nor suggest a method in which “filtering a plurality of received messages to identify said message identifying occurrence of an event potentially affecting healthcare delivered to a patient and excluding other messages immaterial to said healthcare delivered to said patient” as in the present claimed invention.

As recognized in the Rejection on page 19, Schloss fails to show or suggest “filtering a plurality of received messages to identify said message identifying occurrence of an event potentially affecting healthcare delivered to a patient”. However, the Rejection erroneously states Wright discloses this limitation in column 42 lines 37-41. Rather, Wright describes a cardiology system based on open architecture for the purpose of receiving patient information and cardiac monitoring output, interpreting this information, and displaying it along with its interpretation. Wright neither discloses nor suggests initiation of task sequence (workflow) processes and thus, is unrelated to the claimed arrangement.

Specifically, Wright in column 42 lines 37-41 states “events may be prioritized to allow filtering and masking during a query” and defines events as “the event type is the type or class of event (user-related, data transfer, etc.), and the event identifier is the event that occurred” (Wright column 39 lines 63-66). Wright therefore uses the term “event” to encompass computer system events such as data transfer etc. This is wholly unlike the “event” in Schloss (task to be performed) and the “event” in the present claimed invention (“a change in circumstances potentially affecting healthcare delivered to a patient”). Wright also uses the term “event data” to refer to data associated with a cardiac stress test. “The text document segments of a report are generated from pre-test data, event data and post-test data. The pre-test data may include data such as patient demographics and the reason for the test. The event data preferably includes information such as a ten-second ECG analysis and measurements, blood pressure data and comments” (Wright column 65 lines 60-66). Consequently Wright does NOT show or suggest (or provide any 35 USC 112 enabling disclosure) of “filtering a plurality of received messages to identify said message identifying occurrence of an event potentially affecting healthcare delivered to a patient” and “excluding other messages immaterial to said healthcare delivered to said patient”.

Incorporating the Wright system filtering in the scheduling system of Schloss results in a system for initiating scheduling of tasks and for subsequently determining if the tasks are still appropriate at a “prepare to perform time” involving filtering computer system messages indicating data transfers and the like. Such a system does NOT filter “a plurality of received messages to identify said message identifying occurrence of an event potentially affecting healthcare delivered to a patient”. Further, there is no suggestion in the combined references of use of an “identifier identifying a particular instance” of a

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process in combination with use of an "event identifier" identifying an event comprising a "change in circumstances potentially affecting healthcare delivered to a patient". Also, there is no recognition of the specific scheduling problem of inefficiency involved in altering and updating healthcare worker schedules because of the Schloss (with Wright) system need to update scheduling at a "prepare to perform time" that is addressed in the claimed system. There is also no other reason or motivation in either reference for providing the claimed feature arrangement.

The claimed arrangement does NOT schedule tasks for performance at a future time. In addition, neither Schloss nor Wright, alone or together, show or suggest "initiating execution of performance" of "tasks by at least one individual without scheduling" performance at a future time and without the "associated intervening scheduling time delay". Consequently, withdrawal of the rejection of claims 5 and 14 under 35 USC 103(a) is respectfully requested.

In view of the above remarks, Applicant respectfully submits that there is no 35 USC 112 compliant enabling disclosure present in Schloss (with Wright) that makes the present invention as claimed in independent claim 1 and 11 unpatentable. As claim 5 is dependent on claim 1 and claim 14 is dependent on claim 11, Applicant respectfully submits that claims 5 and 14 are also not made unpatentable by Schloss (with Wright). It is thus respectfully submitted that this rejection is satisfied and should be withdrawn.

VIII CONCLUSION

Schloss alone or in combination with either Judge or Wright neither discloses nor suggests the "method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient" performed "in a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery" as claimed in the present invention. Specifically, Schloss with Judge and/or Wright neither disclose nor suggest "initiating execution of performance" of either tasks and/or processes "by at least one individual without scheduling said performance and associated intervening scheduling time delay" as in the present claimed invention.

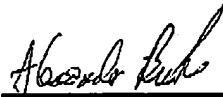
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Accordingly it is respectfully submitted that the rejection of Claims 1- 29 should be reversed.

Respectfully submitted,
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APPENDIX I - APPEALED CLAIMS

1. (Previously Presented) In a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, comprising the activities of:

associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to said patient;

receiving a message identifying occurrence of said event;

determining by using said repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event; and

initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual.

2. (Previously Presented) A method according to claim 1, including in response to examining predetermined information and said occurrence of said identified event, substituting at least one of said particular tasks for a task of an existing task sequence being performed.

3. (Previously Presented) A method according to claim 1, wherein said message includes an event identifier identifying said event and is generated by a second process comprising a second set of tasks and including the activity of

also receiving an identifier identifying a particular instance of said first process.

4. (Original) A method according to claim 3, wherein said particular instance of said first process comprises a particular use of said process for a specific patient.

5. (Previously Presented) A method according to claim 1, including the activities of

filtering a plurality of received messages to identify said message identifying occurrence of an event potentially affecting healthcare delivered to a patient and

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excluding other messages immaterial to said healthcare delivered to said patient.

6. (Previously Presented) A method according to claim 1, including the activity of

associating in a repository, said event with a process instance identifier identifying an instance of a process comprising said sequence of tasks.

7. (Original) A method according to claim 1, wherein

said message includes an event identifier identifying said event and a process identifier identifying a target process to be replaced by a predetermined process comprising said particular tasks.

8. (Previously Presented) A method according to claim 7, and including the activity of

searching a database containing records indicating active processes and process instances to identify active process instances of said target process to be replaced.

9. (Previously Presented) A method according to claim 1, wherein

said event comprises at least one of, (a) an event resulting from action by healthcare personnel, (b) an event generated by an operating process, (c) an event generated by patient monitoring equipment and (d) an event generated by a medical device and

said step of initiating execution of performance of said particular sequence of tasks without scheduling said performance and associated intervening scheduling time delay comprises initiating execution of performance of said particular sequence of tasks without scheduling performance of said particular sequence of tasks to occur at a particular time.

10. (Previously Presented) A method according to claim 1, including the activity of

receiving information identifying a particular individual task of a task sequence being performed and including the activity of

adapting said task sequence being performed by initiating continuation of said task sequence being performed from said identified particular individual task in response to occurrence of said event.

11. (Previously Presented) In a system for initiating performance of a process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event

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representing a change in circumstances potentially affecting healthcare delivered to a patient, comprising the activities of:

associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a process comprising a sequence of tasks to be performed to support healthcare delivery to said patient;

receiving at least one message identifying occurrence of said event and at least one parameter associated with said event;

determining by using said repository, whether said identified event is associated with a particular process of a plurality of predetermined processes;

providing said parameter to said particular process in response to said determination said identified event is associated with said particular process; and

initiating execution of performance of said particular process without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual.

12. (Original) A method according to claim 11, wherein

said associated parameter is for use by multiple different process task sequences and is stored at a location available for access by said multiple different process task sequences.

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13. (Previously Presented) A method according to claim 11, including the activity of

verifying said associated parameter is compatible with predetermined value criteria as a pre-condition to providing said parameter to said predetermined process.

14. (Previously Presented) A method according to claim 11, including the activities of

filtering a plurality of received messages to identify said at least one message identifying said occurrence of said event and excluding other messages.

15. (Previously Presented) A method according to claim 11, including the activity of

replacing initiating performance of another process with said initiating performance of said identified process.

16. (Original) A method according to claim 11, wherein

said at least one message includes a process identifier identifying a target process to be replaced by said predetermined process.

17. (Previously Presented) A method according to claim 16, including the activity of

searching a database containing records indicating active processes and process instances to identify active process instances of said target process to be replaced.

18. (Previously Presented) A method according to claim 11, including the activity of

receiving information identifying active process instances and storing records in a database indicating said identified active process instances.

19. (Previously Presented) A method according to claim 11, wherein

associating in a repository, said event with a process instance identifier identifying an instance of said process comprising said sequence of tasks.

20. (Previously Presented) In a system supporting initiating performance of a plurality of processes comprising different sets of tasks to be performed by at least one individual, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, comprising

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the activities of:

associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a process instance identifier identifying an instance of a process comprising a sequence of tasks to be performed to support healthcare delivery to a patient;

in response to occurrence of an event in a first process,

receiving at least one message identifying occurrence of said event during said first process and identifying a parameter associated with said event;

acquiring said parameter associated with said event and providing said parameter to an instance of a second process identified using said repository; and

adapting said instance of said second process by initiating execution of performance of a particular set of tasks without scheduling said performance and associated intervening scheduling time delay in response to receiving said at least one message.

21. (Previously Presented) A method according to claim 20,

including the activity of receiving an identifier identifying a particular individual task in said second process and wherein

said adapting activity comprises initiating processing of said second process from said particular individual task in response to receiving said at least one message identifying occurrence of said event and determination said parameter is within predetermined acceptability criteria.

22. (Original) A method according to claim 20, wherein

said parameter associated with said event is stored at a location available for access by said first and second processes.

23. (Previously Presented) A method according to claim 20, including the activity of

sharing data between said first and second process comprising sharing at least one of, (a) an event identifier identifying said event, (b) a process identifier identifying said first process, and (c) an identifier identifying a particular instance of said first process.

24. (Original) A method according to claim 20, wherein

said at least one message includes a process identifier identifying said second process is to be modified in response to occurrence of said event in said first process.

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25. (Previously Presented) A method according to claim 20, including the activity of

searching a database containing records indicating active processes and process instances to identify active process instances of said second process to be modified in response to receiving said at least one message.

26. (Previously Presented) A system for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, said system being for use in initiating performance of a first process comprising a set of tasks to be performed by at least one individual to support healthcare delivery, comprising:

at least one repository associating at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to said patient;

a communication interface for receiving a message identifying occurrence of said event;

an event analyzer for using said at least one repository and for applying predetermined rules to interpret said identified event to determine a particular sequence of tasks to be performed in response to receiving said message identifying occurrence of said identified event; and

a processor for initiating execution of performance of said particular tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to said occurrence of said identified event and determination pre-conditions associated with said task sequence are satisfied and said tasks of said task sequence are ready for performance by said at least one individual.

27. (Previously Presented) A system according to claim 26, wherein said at least one repository associates said at least one event with a process instance identifier identifying an instance of a process comprising said sequence of tasks.

28. (Previously Presented) In a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, comprising the activities of:

associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to said patient;

receiving a message identifying occurrence of said event;

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determining by using said repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event; and
initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied and
in response to examining predetermined information and said occurrence of said identified event, substituting at least one of said particular tasks for a task of another task sequence being performed.

29. (Previously Presented) In a system for initiating performance of a first process, comprising a set of tasks, to be performed by at least one individual to support healthcare delivery, a method performed by a data processor for processing an event representing a change in circumstances potentially affecting healthcare delivered to a patient, comprising the activities of:

associating in a repository, at least one event potentially affecting healthcare delivered to a patient with a sequence of tasks to be performed to support healthcare delivery to said patient and with a process instance identifier identifying an instance of a process comprising said sequence of tasks;

receiving a message identifying occurrence of said event;

determining by using said repository, a particular sequence of tasks to be performed, in response to receiving said message identifying occurrence of said event; and

initiating execution of performance of said particular sequence of tasks by at least one individual without scheduling said performance and associated intervening scheduling time delay in response to receiving said message identifying occurrence of said event and determination pre-conditions associated with said task sequence are satisfied.

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APPENDIX II - EVIDENCE

Applicant does not rely on any additional evidence other than the arguments submitted hereinabove.

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APPENDIX III - RELATED PROCEEDINGS

Applicant respectfully submits that there are no proceedings related to this appeal in which any decisions were rendered.

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APPENDIX IV - TABLE OF CASES

1. *In re Howard*, 394 F. 2d 869, 157 USPQ 615, 616 (CCPA 1968)
2. 29 AM. Jur 2D Evidence S. 33 (1994)
3. *In re Ahlert*, 424 F. 2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970)
4. *In re Eynde*, 480 F. 2d 1364, 1370; 178 USPQ 470, 474 (CCPA 1973)
5. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)
6. *ACS Hospital Systems Inc v. Montefiore Hospital*, 221 USPQ 929,933
(Fed. Cir. 1984)
7. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)
8. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438
(Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)
9. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ
657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986)
10. *In re Oetiker*, 977 F2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)

APPENDIX V - LIST OF REFERENCES

<u>U.S. Pat. No.</u>	<u>Issued Date</u>	<u>102(e) Date</u>	<u>Inventors</u>
5,692,125	November 25, 1997		Schloss et al.
6,401,138 B1	June 4, 2002		Judge et al.
6,004,276	December 21, 1999		Wright et al.

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